



INVESTOR IN PEOPLE

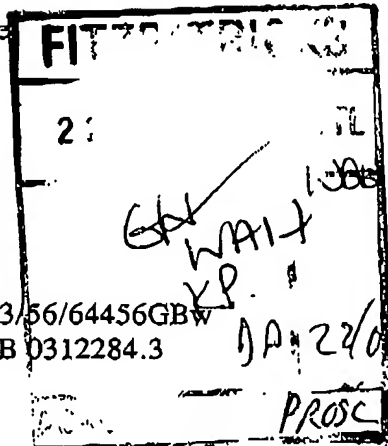
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Your Reference: 33/56/64456GBW
Application No: GB 0312284.3



15 April 2004

Dear Sirs

Patents Act 1977: Examination Report under Section 18(3)

Latest date for reply: 15 October 2004

I enclose two copies of my examination report and two copies of the new citations.

By the above date you should either file amendments to meet the objections in the enclosed report or make observations on them. If you do not, the application may be refused.

Yours faithfully

Paul Marshall
Examiner

[†]Use of E-mail: Please note that e-mail should be used for correspondence only.



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Applicant: Scheduling.Com

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Patents Act 1977 Examination Report under Section 18(3)

Basis of the examination

1. I have examined your application in the form that it was printed by WIPO when it was in the international phase.

Patentability - Section 1(2)(c)

2. In order to be patentable, an invention must solve a technical problem and provide a technical contribution to the prior art. It appears that the invention defined by claims 1 and 5 does neither. The inventions detailed in these claims are in substance a computer program and a business method. Because of this, the invention is excluded from being patentable by Section 1(2)(c) of the Act.

3. The exact wording of a claim will not affect its patentability - if the actual substance of the claimed invention neither provides a technical contribution nor solves a technical problem, it will remain unpatentable. The presence of technical aspects, as long as they remain known, non-inventive and are not related to the substance of the inventive concept do not confer patentability to claims.

4. This can clearly be seen in the comments of the EPO Technical Board of Appeal in Sohei et al's Application, T 769/92:

"If, for instance, a non-patentable (e.g. mathematical, mental or business) method is implemented by running a program on a general-purpose computer, the fact alone that the computer consists of hardware does not render the method patentable if said hardware is purely conventional and no technical contribution to that (computer) art is made by the implementation."

5. In the Fujitsu case (Fujitsu's Application 1997 RPC 608), it was further noted by Aldous LJ that:

".. Fox LJ was making it clear that it was not sufficient to look at the words of the claimed monopoly. The decision as to what was patentable depended upon substance not form. ... it is and always has been a principle of patent law that mere discoveries or ideas are not patentable, but those discoveries and ideas which have a technical aspect or make a technical contribution are. Thus the concept that what is needed to make an excluded thing patentable is a technical contribution is not surprising. That was the basis for the decision of the Board in *Vicom*. It has been accepted by this Court and by the EPO and has been



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[Examination Report contd.]

applied since 1987. It is a concept at the heart of patent law."

Novelty - Section 1(1)(a)

6. The invention as defined in claims 1-7 is not new because it has already been disclosed in the following document(s):

US 6101480 A1	(CONMY) *
US 6038542 A1	(RUCKDASHEL) *
US 5772585 A1	(LAVIN)

7. The above documents marked * were found during the customary top-up search carried out during substantive examination.

8. All the above documents disclose a method and apparatus as claimed in claims 1 and 5, as they disclose systems for arranging meetings and appointments using clients connected to a database-running server where the server is responsible for arranging the meeting/appointment. This is described clearly in the documents, as can be seen with reference to the figures of all three; claim 1 and the summary of '542; claims 1 and 5 of '480; and column 1, paragraph 1 of '585.

9. The claims 2-4, 6 and 7 are common general knowledge in the art and completely conventional. They are also disclosed in the above documents, as can be seen by reference to the figures contained within them.